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ASPATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group  
Art Unit: 1711

Attorney  
Docket No.: 121036-011 (new)

Applicant: Osamu KOBAYASHI et al.

Invention: MOLDING MATERIAL FOR USE WITH  
CARBON DIOXIDE REFRIGERANT

Serial No: 09/980,225

Filed: November 29, 2001

Examiner: Nathan Nutter

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Certificate Under 37 CFR 1.8(a)

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Commissioner of Patents, Washington, D.C. 20231

on February 24, 2003

  
Michael S. Gzybowski

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Official Action mailed January 22, 2002 in connection with the above-identified application, applicants submit the follow:

In the Official Action the Examiner has instituted a Restriction Requirement in which he has taken the position that the application includes claims directed to three (3) distinct and different inventions including:

claims 1, 4-6, 10 and 12 (Group I) which are drawn to a material comprising a chlorinated polyethylene resin;

claims 2, 7, 9 and 11 (Group II) which are drawn to a material comprising a blend of a chlorinated polyethylene resin and a vinyl chloride-based resin; and

claims 3 and 8 (Group III) which are drawn to a material comprising resin(s) and a filler material.

Applicants traverse the Restriction Requirement on the grounds that the inventions which the Examiner has categorized are not materially different from one another. Note for example, adding or combining a filler materials with the resins of claim Groups I or II would not seem to result in a materially different and patentably distinct invention.

The Examiner is accordingly requested to reconsider the appropriateness of the Restriction Requirement.

Notwithstanding applicants' reasons for traversing the Restriction Requirement, applicants are aware that in order to be fully responsive to the Restriction Requirement, they are required to elect one group of claims to have examined in the present application, regardless of whether they traverse the Restriction Requirement.

In order to be fully responsive to the Restriction Requirement, applicants hereby elect to have claims 1, 4-6, 10 and 12 (Group I) examined in the present application. In addition, applicants submit that claim 3 should also be included in Group I inasmuch as claim 3 is clearly one of the embodiments of claim 1 and is not believed to be materially different from the scope of claim 1.


Applicants' Election is hereby made with traverse.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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Reg. No. 32,816

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